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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,536	07/29/2003	Christopher Hall	81044209	1535
28395	7590	10/03/2007		
BROOKS KUSHMAN P.C./FGTL 1000 TOWN CENTER 22ND FLOOR SOUTHFIELD, MI 48075-1238			EXAMINER SEE, CAROL A	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 10/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,536

Applicant(s)

HALL ET AL.

Examiner

Carol See

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) 14-34 and 40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 35-39 and 41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/29/2003.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-29, 33 and 35-41 drawn to a method for vehicle acquisition, classified in class 705, subclass 35.
 - II. Claims 30-32 and 34, drawn to a computer method for transferring title, classified in class 705, subclass 37.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a computer system to finance vehicle acquisition – e.g., the method can be conducted via telephone. The subcombination has separate utility such as for entering customer information on a vendor website that then displays an invoice.
3. Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
4. The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently

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found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Election of Species

5. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species 1: Represented by Figure 1

Species 2: Represented by Figure 2

Species 3: Represented by Figure 3

Species 4: Represented by Figure 4

Species 5: Represented by Figure 5

Species 6: Represented by Figure 6

Species 7: Represented by Figure 7

The species are independent or distinct because they are mutually exclusive as demonstrated in the specification. Currently, no claims are generic to the above disclosed patentably distinct species of the claimed invention. In addition to choosing an invention from above (i.e., Invention I or II), Applicant is required under 35 U.S.C. 121 to elect a single disclosed species, even though this requirement is traversed. Applicant is advised

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that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

7. Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

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Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

8. Applicant's election without traverse of Group I, species 1, claims 1-13, 35-39 and 41, in the reply filed on 9/17/2007 is acknowledged. Claims 14-34 and 40 are withdrawn from further consideration by the examiner, pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1 and 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Regarding claim 1, applicant's recitation of the phrase "legal title price" renders the claim indefinite because it's meaning is unclear and is not sufficiently defined in the specification. For examining purposes, "legal title price" is interpreted to mean the amount of money being paid for a present possessory interest in a property.

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12. Regarding claim 9, applicant's recitation of the phrase "legal title term" renders the claim indefinite because the meaning is unclear. For examining purposes, "legal title term" is interpreted to mean a length of time established during which a property right holder legally exercises that right.

13. Regarding claim 10, Applicant's use of phrase "about equal to" renders the claim indefinite because it does not clearly set forth the limitations Applicant desires.

14. Regarding claim 11, applicant's use of phrase "in the range of about one year to about six years" renders the claim indefinite because it does not clearly set forth the metes and bounds of patent protection desired.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claim 1-5, 9, 11,12 and 35-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabella (U.S. 2003/0110108) in view of Graff (U.S. 6,167,384). Please note that the Examiner has determined that the invention of Sabella is supported by the provisional application (Application No. 60/339,207) to which Sabella claims priority. Accordingly, the invention of Sabella antedates Applicant's claimed invention.

Regarding claim 1, Sabella shows a method for financing acquisition of a vehicle, the method comprising:

receiving a future interest in a vehicle in consideration for a future interest price and transfer of a present possessory interest in the vehicle in consideration for a legal title price (¶ 0021, showing applicability to any type of property, e.g., a vehicle; ¶¶ 0030 -0031 and Fig. 2, showing primary investor with a present possessory interest (paying a legal title price) and a secondary investor with a future interest).

Sabella does not show transfer of a legal title.

Graff teaches decomposition of property into components, using titles to show ownership of the component, and transfer of legal titles (col. 15, lines 14-24, showing titles to interests in personal property and col. 17, lines 28-30, showing transfer of ownership, i.e., titles, of property components).

It would have been obvious to one of ordinary skill in the art to have combined the invention of Sabella with the teaching of Graff in order to represent interest in property (col. 15, lines 8-16).

Regarding claim 2, the combination of Sabella and Graff shows all elements of claim

1. Sabella further shows financing the legal title price (¶ 0039).

Regarding claim 3, the combination of Sabella and Graff shows all elements of claim

2. Sabella further shows the legal title price financed by a vehicle finance company and the vehicle finance company receives the future interest (¶ 0039).

Regarding claim 4, the combination of Sabella and Graff shows all elements of claim

1. Sabella further shows the future interest is a reversionary interest or a remainder (¶ 0008).

Regarding claim 5, the combination of Sabella and Graff shows all elements of claim 1.

Sabella further shows a receiving step accomplished at least partially by utilizing an at

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least one computer and an at least one computer network (§ 0060).

Regarding claim 9, the combination of Sabella and Graff shows all elements of claim 1. Graff further shows a legal title provided for a legal title term (col. 15, lines 14-17).

It would have been obvious to one of ordinary skill in the art to have modified the invention disclosed in the combination of Sabella and Graff in order to provide a length of time to exercise an interest in property (col. 15, lines 8-16).

Regarding claim 11, the combination of Sabella and Graff shows all elements of claim 9. Sabella further shows the legal title term and the vesting period in the range of about one year to about six years (§ 0036).

Regarding claim 12, the combination of Sabella and Graff shows all elements of claim 1. Sabella further shows a future interest vesting upon expiration of a vesting period (§ 0008, where a vesting period is a term of years, which ends – i.e., expires, whereupon a holder of a future interest can exercise his rights – i.e., his rights vest.)

Regarding claim 35, Sabella shows a method for transferring legal title in personal property, the method comprising:

receiving a future interest in a personal property in consideration for a future interest price and transfer of a present possessory interest in the vehicle in consideration for a legal title price (§ 0021, showing applicability to any type of property, e.g., personal property; §§ 0030 -0031 and Fig. 2, showing primary investor with a present possessory interest (paying a legal title price) and a secondary investor with a future interest).

Sabella does not specifically show transfer of a legal title.

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Graff teaches the use of titles to show ownership of personal property, and transfer of legal titles (col. 15, lines 14-24, showing titles to interests in personal property and col. 17, lines 28-30, showing transfer of ownership, i.e., titles, of property components).

It would have been obvious to one of ordinary skill in the art to have combined the invention disclosed in Sabella with the teaching of Graff in order to represent ownership of any type of property with titles (see Graff, col. 15, lines 14-17).

Regarding claim 36, the combination of Sabella and Graff shows all elements of claim 35. Sabella further shows personal property selected from the group consisting of: a tangible personal property and an intangible personal property (§§ 0021 and 0024).

Regarding claim 37, the combination of Sabella and Graff shows all elements of claim 35. Applicant's recitation of personal property as a "good" constitutes nonfunctional descriptive material that does not further limit the claimed invention. Accordingly, this recitation is not given patentable weight. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983).

Regarding claim 38, the combination of Sabella and Graff shows all elements of claim 35. Applicant's recitation of personal property as a "vehicle" constitutes nonfunctional descriptive material that does not further limit the claimed invention. Accordingly, this recitation is not given patentable weight. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 403-04 (Fed. Cir. 1983).

Regarding claim 39, the combination of Sabella and Graff shows all elements of claim 35. Sabella further shows financing the legal title price (§ 0039).

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17. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabella (U.S. 2003/0110108) in view of Graff (U.S. 6,167,384), and further in view of Reynolds et. al (U.S. 7,024,373).

Regarding claim 6, the combination of Sabella and Graff shows all elements of claim 1. Sabella further shows conveying property (Fig.4, element 410).

The combination of Sabella and Graff does not specifically show a vehicle dealer transferring a vehicle.

Reynolds shows a vehicle dealer transferring a vehicle (col. 9, lines 6-16).

It would have been obvious to one of ordinary skill in the art to have modified the combination of Sabella and Graff by the teaching of Reynolds in order to represent any type of property ownership with titles (see Graff, col. 15, lines 14-17).

Regarding claim 7, the combination of Sabella and Graff shows all elements of claim 1. Sabella further shows conveying property (Fig.4, element 410).

The combination of Sabella and Graff does not specifically show receiving legal title in a vehicle.

Reynolds shows receiving legal title in a vehicle (col. 10, lines 28-31).

It would have been obvious to one of ordinary skill in the art to have modified the combination of Sabella and Graff by the teaching in Reynolds in order to represent ownership of any type of property ownership with titles (see Graff, col. 15, lines 14-17).

Regarding claim 8, the combination of Sabella and Graff shows all elements of claim 7.

The combination of Sabella and Graff does not show a vehicle consumer receiving legal title in a vehicle.

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Reynolds shows legal title in a vehicle received by a vehicle consumer (col. 10, lines 22-31).

It would have been obvious to one of ordinary skill in the art to have modified the combination of Sabella and Graff by the teaching in Reynolds in order to represent ownership of any type of property with titles (see Graff, col. 15, lines 14-17).

18. Claims 10, 13 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sabella (U.S. 2003/0110108) in view of Graff (U.S. 6167384), and further in view of official notice.

Regarding claim 10, the combination of Sabella and Graff shows all elements of claim 9. Sabella further shows setting of various title terms (§ 0008).

The combination of Sabella and Graff does not specifically show a legal title term about equal to a vesting period.

Examiner takes official notice that it is well known in the art that the length of a title term may vary. Accordingly, that term may be the same as or different from a vesting period for a subsequent property right to come into effect.

It would have been obvious to one of ordinary skill in the art to have modified the combination of Sabella and Graff in order to provide flexible title terms (see Sabella, § 0008).

Regarding claim 13, the combination of Sabella and Graff shows all elements of claim 2.

The combination of Sabella and Graff does not specifically show receiving a financed legal title price through a number of periodic payments.

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Examiner takes official notice that it is well known in the art that financing methods for large purchases usually encompass periodic payments to pay the total amount financed.

It would have been obvious to one of ordinary skill in the art to have modified the combination of Sabella and Graff in order to provide flexible financing options.

Regarding claim 41, Sabella shows a method for financing acquisition in a vehicle, the method comprising:

receiving a future interest in a vehicle in consideration for a future interest price and transfer of a present possessory interest in the vehicle in consideration for a legal title price (¶ 0021, showing applicability to any type of property, e.g., a vehicle; ¶¶ 0030 -0031 and Fig. 2, showing primary investor with a present possessory interest (paying a legal title price) and a secondary investor with a future interest), a vehicle finance company receiving the future interest having a vesting period (¶ 0039), the future interest being a reversionary interest or a remainder (¶ 0008); and

financing the legal title price, the vehicle finance company financing the legal title price (¶ 0039).

Sabella does not show transfer of a legal title, a legal title being provided for a legal title term.

Graff teaches decomposition of any type of property into components, using titles to show ownership of the component, and transfer of legal titles (col. 15, lines 14-24, showing titles to interests in personal property and col. 17, lines 28-30, showing transfer of ownership, i.e., titles, of property components). Graff further teaches a legal title being provided for a legal title term (col. 15, lines 14-17).

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It would have been obvious to one of ordinary skill in the art to have combined the invention of Sabella with the teaching of Graff in order to represent interest in property through titles (col. 15, lines 8-16).

Further, the combination of Sabella and Graff does not show the legal title term being about equal to the vesting period or receiving the financed legal title price through a number of periodic payments.

Examiner takes official notice that it is well known in the art that the length of a title term may vary. Accordingly, that term may be the same as or different from a vesting period for a subsequent property right to come into effect.

It would have been obvious to one of ordinary skill in the art to have modified the combination of Sabella and Graff in order to provide flexible title terms (see Sabella, ¶ 0008).

Examiner further takes official notice that it is well known in the art that financing methods for large purchases usually encompass periodic payments to pay the total amount financed.

It would have been obvious to one of ordinary skill in the art to have modified the combination of Sabella and Graff in order to provide flexible financing options.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carol See whose telephone number is (571) 272-9742.

The examiner can normally be reached on Monday - Thursday 6:45 am - 5:15 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Carol See
Patent Examiner
Art Unit 3609
9/28/07

KHOI H. TRAN
SUPERVISORY PATENT EXAMINER

